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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,273	09/07/2004	Bo Lang		5272

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BO LANG
1401 HUATONG BUILDING, SUNGAG EAST ROAD
SHENZHEN, GD 518008
CHINA

EXAMINER

HOGUE, GARY CHAPMAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/711,273

Applicant(s)

LANG, BO

Examiner

Gary C. Hoge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/7/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the stretch bar (claim 1), the mat (claim 1), the hanging wire (claim 1), the glass or acryl cover sheet (claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 5 and 7 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim shall refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims 5 and 7 have not been further treated on the merits.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-10 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4, 6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry et al. (6,119,386) in view of Kocina et al. (4,216,597), Wilson (4,991,329), Kuhn et al. (5,711,426) and Cass (3,939,028).

Henry discloses a framing system having a frame **26**, mat **12**, and transparent cover sheet **24**. However, Henry does not disclose a means of hanging the framing system. Kocina teaches that it was known in the art to provide a framing system with both a hanger **34** and a hanging wire **70**. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the framing system disclosed by Henry with a hanger and a hanging wire, as taught by Kocina, in order to mount the framing system to a wall. Further, Henry does not disclose stretch bars. Wilson teaches that it was known in the art to use stretcher bars to mount canvas pictures in a frame. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the frame disclosed by Henry with stretcher bars, as taught by Wilson, in order to display canvas pictures in the frame. Finally, Henry does not disclose transparent corner protectors for the frame. Kuhn teaches that it was known in the art to provide corner protectors for picture frames. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the frame disclosed by Henry with corner protectors, as taught by Kuhn, in order to protect the frame from damage. Further, the protectors disclosed by Kuhn are not transparent. Cass teaches that it was known in the art to make a protector transparent, so as not to detract from the appearance of the object being protected. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the corner protectors disclosed by Kuhn transparent, as taught by Cass, in order not to detract from the appearance of the frame while the protectors are mounted thereto.

Regarding claim 6, see Fig. 1 of Kuhn et al.

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7. Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henry et al. (6,119,386) in view of Kocina et al. (4,216,597), Wilson (4,991,329), Kuhn et al. (5,711,426) and Cass (3,939,028), as applied to claim 1, above, and further in view of Angone (US 2002/0162262).

Henry, as modified, discloses the invention substantially as claimed, as set forth above. However, the frame disclosed by Henry is not rectangular in cross-section, with one corner being cut off. Angone teaches that it was known in the art to make a frame rectangular in cross-section, and to provide a cutout of one corner, in order to accommodate the thing being mounted in the frame. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the frame disclosed by Henry rectangular in cross-section, as taught by Angone, as a matter of design choice based upon aesthetic considerations, and to include a cutout of one corner, in order to accommodate the thing being mounted in the frame.

Conclusion

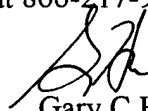
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary C Hoge
Primary Examiner
Art Unit 3611

gch